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10/056,471	01/25/2002	Frieder Eckert	100200661-1	5620

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EXAMINER
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3625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/056,471	ECKERT ET AL.
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 January 2002</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-46</u> is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-46</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>1/25/02</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All   b)☐ Some *   c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 20060623

DETAILED ACTION

Claims 1-46 have been examined.

Claim Objections

Claims 12-14 are objected to because of the following informalities: In the sixth and seventh lines of claim 12, "an account receivable file" should be "an accounts receivable file" to be compatible with claim 13, as well as with standard usage. Appropriate correction is required.

Claims 21-35 are objected to because of the following informalities: In the nineteenth line of claim 21, "to received a notification" should be "to receive a notification." Appropriate correction is required.

There are two claims numbered "Claim 22." In the rejections set forth below, the first of these is referred to as 22A and the second as 22B. The claims must be renumbered so that only one claim has any single number.

Claims 30-32 are objected to because of the following informalities: In the second line of claim 30, "an account receivable file" should be "an accounts receivable file" to be compatible with claim 31, as well as with standard usage. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 36-40 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. A computer program as such is not a process,

machine, manufacture, or composition of matter, and is therefore not patentable. A

computer program may be claimed, but it should be in a format such as, "A computer-

readable medium with computer-executable code embodied thereon, the computer-

executable code, when executed by a computer, causing the computer to carry out the

steps of: doing A; doing B; and doing C."

Claim 41 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. A computer program as such is not a process,

machine, manufacture, or composition of matter, and is therefore not patentable. A

computer program may be claimed, but it should be in a format such as, "A computer-

readable medium with computer-executable code embodied thereon, the computer-

executable code, when executed by a computer, causing the computer to carry out a

method comprising the steps of: doing A; doing B; and doing C."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-19

Claims 1, 2, 4, 5, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli (U.S. Patent 5,758,328) in view of Fan ("Focus on the Future: Harnessing the Internet to Streamline Procurement of Mechanical Equipment"). As per claim 1, Giovannoli discloses a method for highly automated procurement services, comprising the steps of: (a) accessing a database initialized with information regarding a plurality of trading partners: (1) said plurality of trading partners including customer and non-customer trading partners; (2) said information including trading relationship information involving at least a customer trading partner and another of said trading partners (Abstract; column 3, lines 55-67; column 4, line 50, through column 5, line 36); (b) receiving a purchase request of a first trading partner among said trading partners (column 4, line 67, through column 5, line 8); (c) automatically selecting at least one qualified trading partner from said trading partners based on said purchase request (column 5, lines 9-36); (d) generating an RFQ based on (1) a portion of the trading relationship information pertaining to said at least one qualified trading partner; and (2)

said purchase request (column 4, line 67, through column 5, line 57); (e) forwarding said

RFQ to said at least one qualified trading partner (column 5, lines 37-57); (f) receiving a

notification pertaining to said at least one qualified trading partner (column 5, line 58,

through column 6, line 11); and (g) automatically processing said notification, including

forwarding said notification to the first trading partner (column 5, line 58, through column

6, line 11). Giovannoli does not expressly disclose generating a purchase order, as

opposed to an RFQ, but purchase orders are well known, as taught by Fan (see

especially paragraph beginning "If they wish"). Hence, it would have been obvious to

one of ordinary skill in the art of electronic commerce at the time of applicant's invention

to generate a purchase order, for the obvious advantage of more quickly completing

arrangements for the purchase of desired products.

As per claim 2, Giovannoli discloses (1) establishing terms and conditions with at

least one of said plurality of trading partners; and (2) storing said terms and conditions

into the database (Abstract; column 5, lines 9-36).

As per claim 4, Giovannoli discloses (1) establishing business rules; and (2)

storing said business rules into the database (Abstract; column 5, lines 9-36).

As per claim 5, Giovannoli does not expressly disclose that the business rules

include rules for allocating the purchase order or RFQ among said at least one qualified

trading partners, but Fan teaches automatically allocating an RFQ among multiple

qualified trading partners, implying rules for so doing (three paragraphs beginning from

"That brings us to how"). Hence, it would have been obvious to one of ordinary skill in

the art of electronic commerce at the time of applicant's invention for the business rules

to include rules for allocating the purchase order among said at least one qualified

trading partners, for the stated advantage of saving the purchaser the trouble of having

to create multiple bills of materials (or other requests) and send them to multiple

suppliers himself.

As per claim 11, Giovannoli discloses that said notification is a response to the

RFQ (which may therefore be viewed as an acknowledgement thereof); and discloses

automatically forwarding the notification/acknowledgement to the first trading partner

(column 5, line 58, through column 6, line 11).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Giovannoli and Fan as applied to claim 1 above, and further in view of Allen (U.S.

Patent Application Publication 2003/0126095). Giovannoli does not disclose (1)

establishing a purchase forecast with at least one of the plurality of trading partners, and

(2) storing said purchase forecast in the database, but Allen teaches establishing a

purchase forecast with at least one of the plurality of trading partners (paragraph 76),

with databases for storing such information (Abstract; paragraphs 75-76). Hence, it

would have been obvious to one of ordinary skill in the art of electronic commerce at the

time of applicant's invention to establish and store a forecast, for the stated advantage

of anticipating or predicting future needs of the at least one trading partner.

Claims 6, 8, 12, 13, and 14 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Giovannoli and Fan as applied to claim 1 above, and further in view

of official notice. As per claim 6, Giovannoli does not expressly disclose (1) prompting

said first trading partner to provide identity verification information; and (2) receiving the

purchase request after first trading partner has been successfully verified. However, Giovannoli does disclose registration of trading partners, and discloses that, once registered, a member can access the forms necessary for preparing an RFQ (column 4, line 67, through column 5, line 8). This implies that someone who is not registered cannot do this, and suggests, therefore, means for distinguishing those who have registered from those have not. Moreover, official notice is taken that it is well known for sites to prompt members to provide identity verification information (e.g., username and password), and only then allow them to transact their business. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to prompt the first trading partner to provide identity verification information, and receive the purchase request after verification, for the obvious advantage of preventing fraudulent purchases and damaging pranks.

As per claim 8, prompting the at least one qualified trading partner to provide identity verification, and only then receiving notification, is held to be obvious on the grounds set forth in the rejection of claim 6, above.

As per claim 12, Giovannoli discloses a shipment notice, which may be sent directly to the first trading partner, or to the quotation system computer (column 6, lines 12-23), and Giovannoli discloses automatically forwarding notifications to the first trading partner (column 5, line 58, through column 6, line 11). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the notification be a shipment notice, and to have step (g) include: (A) automatically forwarding said shipment notice to the first trading partner, for

the obvious advantage of assuring that the first trading partner be informed of the shipment of ordered goods, and able to make plans on that basis.

Giovannoli does not disclose (B) automatically creating an accounts payable file and an account receivable file based on the shipment notice, but official notice is taken that creating accounts payable and accounts receivable files is standard and well-known business practice to maintain accounts payable and accounts receivable files. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to create such files based on the shipment notice, for the obvious advantage of recording payment information, being able to readily document such information in case questions or disputes should arise, and for such purposes as producing financial statements, and calculating taxes owed.

As per claim 13, Giovannoli does not disclose generating an invoice based on the accounts receivable file, forwarding said invoice to the first trading partner, receiving payment from the first trading partner based on the invoice, and recording the payment in an accounts receivable database, but official notice is taken that generating invoices, sending them to purchasers, receiving payments, and recording the payments is standard business procedure, and held to be obvious as set forth in the rejection of claim 12 above.

As per claim 14, Giovannoli does not disclose calculating payment to the at least one qualified trading partner based on the accounts payable file, forwarding said payment to the at least one qualified trading partner, recording said payment in the accounts payable database, but official notice is taken that calculating payment,

forwarding said payment to a supplier, and recording the payment in an accounts

payable file or database is standard business procedure, and held to be obvious as set

forth in the rejection of claim 12 above.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Giovannoli and Fan as applied to claim 1 above, and further in view of Gililand ("No-

Nonsense Accounting"). Giovannoli does not disclose determining a business project

identification associated with the purchase request, but Gililand teaches (1) determining

a business project identification associated with a purchase request; and (2) reviewing

information associated with said business project identification in a database (see whole

article, especially the paragraph beginning "The project-tracking table"); while

Giovannoli discloses selecting at least one qualified trading partner based on various

relevant information from the trading partners (column 5, lines 9-36). Hence, it would

have been obvious to one of ordinary skill in the art of electronic commerce at the time

of applicant's invention determine a business project identification associated with a

purchase request, review associated information in the database, and select at least

one qualified trading partner based at least in part on said reviewing, for the obvious

advantage of finding the best matches among trading partners.

Claims 9, 10, 15, and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Giovannoli and Fan as applied to claim 1 above, and further in view

of the news release "Teknion Selects New iBaan Solution to Drive Major Collaborative

Commerce Initiatives," hereinafter "Teknion." As per claim 9, Giovannoli does not

disclose receiving and resolving an escalation process request, but "Teknion" teaches

communicating changes to orders, and providing web-based purchase order negotiation (see especially the paragraph beginning "Teknion's business demands"), which can be considered receiving an escalation request, and resolving the escalation request, at least if the negotiation is successfully included, which may be presumed to occur, both because negotiations sometimes are brought to successful conclusions, and because the described system would have little point if negotiations were uniformly failures. (Note Melchior, 2002/0178021, as well.)

As per claim 10, given that web-based negotiation occurs, as taught by "Teknion," it may be presumed to involve requesting a negotiation with at least one of the parties involved, without which negotiation could hardly begin, and forwarding an outcome to at least another party, without which negotiations could hardly conclude, or at least hardly be known to have concluded. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to request a negotiation and forward an outcome, for the obvious advantage of resolving disputes or new issues, in particular issues arising from changes to orders, such negotiations involving receiving and resolving an escalation process request.

As per claim 15, "Teknion" discloses customizing and communicating changes, and providing web-based purchase order negotiation, which implies (h) receiving a change order request of at least one of the first trading partner and the at least one qualified trading partner; and (i) forwarding the change order request to another of the first trading partner and the at least one qualified trading partner. Steps (j) and (k),

receiving and resolving an escalation process request, are held to be obvious as set

forth above, regarding claims 9 and 10.

As per claim 16, this is almost parallel to claim 10, and held to be obvious on

essentially the same grounds. Regarding substep (1), if one requests a change in

terms of a trading partner, and negotiation occurs, one would typically request

negotiation with that trading partner. Regarding substep (2), depending on the possible

back-and-forth of negotiations, there is at least a fifty percent chance that the outcome

would have been forwarded to the trading partner of whom the change order request

was received – at least fifty percent, because the outcome might well be forward to both

of the two (or more) trading partners involved.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Giovannoli and Fan as applied to claim 1 above, and further in view of Allen (U.S.

Patent Application Publication 2003/0126095). Giovannoli does not disclose (h)

receiving purchase forecast information of said first trading partner; (i) automatically

forwarding said purchase forecast information to said at least one qualified trading

partner; and (j) storing said purchase forecast in the database, but Allen teaches

establishing a purchase forecast with at least one of the plurality of trading partners

(paragraph 76), with databases for storing such information (Abstract; paragraphs 75-

76), and suggests automatically forwarding said purchase forecast information to said at

least one qualified trading partner (paragraphs 81 and 84). Hence, it would have been

obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention to establish, forward, and store a forecast, for the stated advantage

of anticipating or predicting future needs of the at least one trading partner.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Giovannoli, Fan, and Allen as applied to claim 17 above, and further in view of the

news release "Teknion Selects New iBaan Solution to Drive Major Collaborative

Commerce Initiatives," hereinafter "Teknion." Claims 18 and 19 are closely parallel to

claims 9 and 10, and rejected on the same grounds set forth above.

Claim 20

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Giovannoli (U.S. Patent 5,758,328) in view of Fan ("Focus on the Future: Harnessing

the Internet to Streamline Procurement of Mechanical Equipment"). Giovannoli

discloses a method for providing highly automated procurement services, comprising

the steps of: (a) accessing a database initialized with information regarding a plurality of

trading partners: (1) said plurality of trading partners including customer and non-

customer trading partners; (2) said information including trading relationship information

involving at least a customer trading partner and another of said trading partners

(Abstract; column 3, lines 55-67; column 4, line 50, through column 5, line 36); (b)

receiving a purchase request of a first trading partner among said trading partners

(column 4, line 67, through column 5, line 8); (c) automatically selecting at least one

qualified trading partner from said trading partners based on said purchase request

(column 5, lines 9-36); (d) generating an RFQ based on said purchase request (column

4, line 67, through column 5, line 57); (e) forwarding said RFQ to said at least one

qualified trading partner (column 5, lines 37-57); (f) receiving a notification pertaining to

said at least one qualified trading partner (column 5, line 58, through column 6, line 11);

and (g) automatically processing said notification, including forwarding said notification

to the first trading partner (column 5, line 58, through column 6, line 11). Giovannoli

does not expressly disclose generating a purchase order, as opposed to an RFQ, but

purchase orders are well known, as taught by Fan (see especially paragraph beginning

"If they wish"). Hence, it would have been obvious to one of ordinary skill in the art of

electronic commerce at the time of applicant's invention to generate a purchase order,

for the obvious advantage of more quickly completing arrangements for the purchase of

desired products.

Claims 21-35

Claims 21, 22A, 22B, 24, 25, 28, and 29 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Giovannoli (U.S. Patent 5,758,328) in view of Fan ("Focus on

the Future: Harnessing the Internet to Streamline Procurement of Mechanical

Equipment"). As per claim 21, Giovannoli discloses a system for providing highly

automated procurement services, comprising (a) a database initialized with information

regarding a plurality of trading partners; (1) said plurality of trading partners including

customer and non-customer trading partners (2) said information including trading

relationship information involving at least a customer trading partner and another of said

trading partners (Abstract; column 3, lines 55-67; column 4, line 50, through column 5,

line 36); and (b) a computer system coupled to communication devices of said plurality

of trading partners via a set of communication networks (Abstract; Figure 1; column 3,

lines 55-67; column 4, line 50, through column 5, line 36): (1) said computer system

being coupled to said computer database (Abstract; Figure 1; column 3, lines 55-67;

column 4, line 50, through column 5, line 36); (2) said computer system being

configured to receive a purchase request of a first trading partner among said trading

partners (column 4, line 67, through column 5, line 8); (3) said computer system being

configured to generate an RFQ based on said information and said purchase request

(column 4, line 67, through column 5, line 57); (4) said computer system being

configured to forward said RFQ to at least one qualified trading partner selected from

said trading partners based on said purchase request (column 5, lines 9-57); (5) said

computer system being configured to receive a notification from said at least one

qualified trading partner (column 5, line 58, through column 6, line 11); and (6) said

computer system being configured to automatically process said notification, including

forwarding said notification to the first trading partner (column 5, line 58, through column

6, line 11). Giovannoli does not expressly disclose generating a purchase order, as

opposed to an RFQ, but purchase orders are well known, as taught by Fan (see

especially paragraph beginning "If they wish"). Hence, it would have been obvious to

one of ordinary skill in the art of electronic commerce at the time of applicant's invention

to generate a purchase order, for the obvious advantage of more quickly completing

arrangements for the purchase of desired products.

 As per claim 22A, Giovannoli discloses forwarding said notification to the first

trading partner (column 5, line 58, through column 6, line 11).

 As per claim 22B, this is parallel to claim 2, and rejected on the same grounds.

As per claim 24, this is parallel to claim 4, and rejected on the same grounds.

As per claim 25, this is parallel to claim 5, and rejected on the same grounds.

As per claim 28, this is parallel to part of claim 31, and rejected on the same grounds.

As per claim 29, Giovannoli discloses a shipment notice, which may be sent directly to the first trading partner, or to the quotation system computer (column 6, lines 12-23).

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli and Fan as applied to claim 21 above, and further in view of Allen (U.S. Patent Application Publication 2003/0126095). Claim 23 is essentially parallel to claim 3, and rejected on the same grounds.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli and Fan as applied to claim 21 above, and further in view of Gililand ("No-Nonsense Accounting"). Claim 26 is essentially parallel to claim 7, and rejected on the same grounds.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli and Fan as applied to claim 21 above, and further in view of the news release "Teknion Selects New iBaan Solution to Drive Major Collaborative Commerce Initiatives," hereinafter "Teknion." Claim 27 is parallel to claim 9, and rejected on the grounds set forth for rejecting claims 9 and 10 above.

Claims 30, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli and Fan as applied to claim 29 above, and further in view

of official notice. As per claim 30, claim 30 is essentially parallel to claim 12, part 2(B), and rejected on the same grounds.

As per claim 31, this is parallel to claim 13, and rejected on the same grounds.

As per claim 32, this is parallel to claim 14, and rejected on the same grounds.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli and Fan as applied to claim 21 above, and further in view of the news release "Teknion." Claim 33 is parallel to claim 15, and rejected on the same grounds.

Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli, Fan, and "Teknion" as applied to claim 33 above, and further in view of Allen (U.S. Patent Application Publication 2003/0126095). As per claim 34, claim 34 is parallel to claim 17, and rejected on essentially the same grounds.

As per claim 35, limitations (k) and (l) of claim 35 merely repeat limitations (j) and (k) of claim 33, upon which claim 35 depends, via claim 34.

Claims 36-40

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli (U.S. Patent 5,758,328) in view of Fan ("Focus on the Future: Harnessing the Internet to Streamline Procurement of Mechanical Equipment"). Claim 36 is parallel to claim 1, and rejected on the same grounds, Giovannoli's computer-implemented method requiring logic code for causing the computers to carry out the steps.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli and Fan as applied to claim 36 above, and further in view of Gililand ("No-

Nonsense Accounting"). Claim 37 is parallel to claim 7, and rejected on the same grounds.

Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli and Fan as applied to claim 36 above, and further in view of the news release "Teknion." Claim 38 is parallel to claim 9, and rejected on the grounds set forth for rejecting claims 9 and 10 above.

Claim 39 is parallel to claim 15, and rejected on the grounds set forth for rejecting claims 9, 10, and 15 above.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli, Fan, and "Teknion" as applied to claim 39 above, and further in view of Allen (U.S. Patent Application Publication 2003/0126095). Claim 40 is parallel to claim 17, and rejected on essentially the same grounds.

Claim 41

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli (U.S. Patent 5,758,328) in view of Fan ("Focus on the Future: Harnessing the Internet to Streamline Procurement of Mechanical Equipment"). Claim 41 is parallel to claim 20, and rejected on the same grounds, Giovannoli's computer-implemented method requiring logic code for causing the computers to carry out the steps.

Claims 42-46

Claims 42, is rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli (U.S. Patent 5,758,328) in view of Fan ("Focus on the Future: Harnessing

the Internet to Streamline Procurement of Mechanical Equipment"). Giovannoli

discloses a computer system for providing highly automated procurement services,

comprising (a) means for accessing a database initialized with information regarding a

plurality of trading partners; (1) said plurality of trading partners including customer and

non-customer trading partners; (2) said information including trading relationship

information involving at least a customer trading partner and another of said trading

partners (Abstract; column 3, lines 55-67; column 4, line 50, through column 5, line 36);

(b) means for receiving a purchase request of a first trading partner among said trading

partners (column 4, line 67, through column 5, line 8); (c) means for automatically

selecting at least one qualified trading partner from said trading partners based on said

purchase request (column 5, lines 9-36); (d) means for generating an RFQ based on (1)

a portion of the trading relationship information pertaining to said at least one qualified

trading partner; and (2) said purchase request (column 4, line 67, through column 5, line

57); (e) means for forwarding said RFQ to said at least one qualified trading partner

(column 5, lines 37-57); (f) means for receiving a notification pertaining to said at least

one qualified trading partner (column 5, line 58, through column 6, line 11); and (g)

means for automatically processing said notification, including forwarding said

notification to the first trading partner (column 5, line 58, through column 6, line 11).

Giovannoli does not expressly disclose generating a purchase order, as opposed to an

RFQ, but purchase orders are well known, as taught by Fan (see especially paragraph

beginning "If they wish"). Hence, it would have been obvious to one of ordinary skill in

the art of electronic commerce at the time of applicant's invention to generate a

purchase order, for the obvious advantage of more quickly completing arrangements for the purchase of desired products.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli and Fan as applied to claim 42 above, and further in view of Gililand ("No-Nonsense Accounting"). Claim 43 is parallel to claim 7, and rejected on the same grounds.

Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli and Fan as applied to claim 42 above, and further in view of the news release "Teknion." Claim 44 is parallel to claim 9, and rejected on the grounds set forth for rejecting claims 9 and 10 above.

Claim 45 is parallel to claim 15, and rejected on the grounds set forth for rejecting claims 9, 10, and 15 above.

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli and Fan, as applied to claim 39 above, and further in view of Allen (U.S. Patent Application Publication 2003/0126095). Claim 46 is parallel to claim 17, and rejected on essentially the same grounds.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dworkin (U.S. Patent 4,992,940) discloses a system and method for automated selection of equipment. Harrington (U.S. Patent 5,895,454) discloses an integrated interface for vendor/product oriented Internet websites. Erickson (U.S.

Patent 6,014,644) discloses centrally coordinated communication systems with multiple

broadcast data objects and response tracking. Arnold et al. (U.S. Patent 6,016,504)

disclose a method and system for tracking the purchase of a product and services over

the Internet. Peterson et al. (U.S. Patent 6,324,522) disclose an electronic information

network for inventory control and transfer. Gindlesperger (U.S. Patent 6,397,197)

discloses an apparatus for obtaining lowest bid from vendors. Musgrove et al. (U.S.

Patent 6,535,880) disclose an automated on-line commerce method. Esposito et al.

(U.S. Patent 6,546,374) disclose an apparatus for providing instant vendor notification in

an electronic commerce network environment. Walker et al. (U.S. Patent 6,553,346)

disclose a conditional purchase offer management system. Hennig (U.S. Patent

6,587,827) disclose an order fulfillment processing system. Ojha et al. (U.S. Patent

6,598,026) disclose methods and apparatus for brokering transactions. Philippe et al.

(U.S. Patent 6,643,624) disclose a method and system for integrating transaction

mechanisms over multiple Internet sites. Moore (U.S. Patent 6,847,938) discloses a

method of exchanging goods over the Internet. Hare et al. (U.S. Patent 6,850,900)

disclose a full service secure commercial electronic marketplace. Vittal et al. (U.S.

Patent 6,907,401) disclose a portal switch for electronic commerce.

Kiselik (U.S. Patent Application Publication 2001/0034631) discloses a method

for the automatic selection of parties to an arrangement between a requestor and a

satisfier of selected requirements. Callahan et al. (U.S. Patent Application Publication

2002/0023046) disclose a system for automating business purchasing functions via a

global computer network. Dyke (U.S. Patent Application Publication 2002/0062275)

discloses a buyer-driven electronic marketplace system. Melchior et al. (U.S. Patent Application Publication 2002/0178021) disclose purchase order amendment and negotiation in a full service trade system. Jaln et al. (U.S. Patent Application Publication 2002/0188682) discloses a method and system for manufacturing supply chain collaboration. Green et al. (U.S. Patent Application Publication 2003/0191710) disclose an invoice purchase order system. Scott et al. (U.S. Patent Application Publication 2004/0073507) disclose a method and system for providing international procurement, such as via an electronic reverse auction.

Jaekel (European Patent Application Publication EP 1 041 521 A2) discloses a system and method for electronic commerce. Morris et al. (WO 01/37538) disclose an automated system and method for selection and procurement of products and services.

The anonymous article, "TradeCard, Bureau Veritas Announce Partnership," discloses a buyer and seller negotiating a draft purchase agreement, and receiving e-mail notifications. The anonymous article, "WinEstimator, Inc. and PurchasePro.com Create Construction E-Commerce Portal," discloses a system for posting RFQ's to selected suppliers. The anonymous article, "Information Flow Saves Time," discloses negotiating a blanket purchase order.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 571-272-7159. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Non-official/draft communications can be faxed to the examiner at 571-273-6762.

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Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen
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June 25, 2005